IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19299 of 2004

Between:

M/s. Lakshmi Video Games, 6th Line, Sreenivasa Rao Peta,
Near Venkateswara Swamy Temple, Rep. by Proprietor Pathi Siva Nageswara Rao, S/o. P. Yedukondalu, age 26 Years, R/o. Guntur, Guntur District.

..... PETITIONER

AND

1 The Superintendent of Police, Guntur, Guntur District.
2 The Station House Officer, Nagarampalem (Law & Order) Police Station, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the petitioner Video Game shop and for prosecuting them for not possessing the Licences to run the said Video Game Shop under A.P. Games Act, as illegal, arbitrary, unconstitutional and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in interfering with the petitioner's Video Games shop and for prosecuting him for not possessing the licence to run the said Video Games shop under A.P. Gaming Act, is illegal and arbitrary.

It is represented by the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents that the issue involved in this writ petition is squarely covered by the decision in W.P.No.16596 of 2003, which was disposed of with the following observations and directions:

> "1.The petitioners, who are running the games center for playing video games are not required to take out any licence under the A.P. Gaming Act;
>
> 2.It is not suggested that the licence is required under the provisions of any other Act;
>
> 3.The Respondent-Police Officers have no power to interfere with the running of centers for playing video games on the electronic equipment on the ground that the petitioners do not possess the licence; and
>
> 4.If it is felt that the petitioners have contravened any of the provisions of the A.P. Gaming Act, it is open for the authorities to

take action to prosecute the petitioners."

Accordingly, the writ petition is disposed of in terms of the observations and directions in the above case.

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14.10.2004

Note: Issue CC by tomorrow

(b/o)

VGB

To

1 The Superintendent of Police, Guntur, Guntur District.
2 The Station House Officer, Nagarampalem (Law & Order) Police Station, Guntur.

3 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

4 2CD copies